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from one to the other on the ground of fraud or want of consideration.

[Ed. Note.—For other cases, see Witnesses, Cent. Dig. §§ 124, 126-136, 165, 415-417, 419, 424; Dec. Dig. § 52;* Equity, Cent. Dig. §§ 469, 470; Dec. Dig. § 202.* 13 Va.-W. Va. Enc. Dig. 921; 15 Va.-W. Va. Enc. Dig. 1093.]

Appeal from Circuit Court, Norfolk County.

Bill by Samuel W. Lyons against Narcissus C. Eason and another. From a decree for complainant, the named defendant appeals. Affirmed.

L. D. Starke and *D. Tucker Brooke*, both of Norfolk, for appellant.

Frank L. Crocker, of New York City, for appellee.

HARDY et al. v. COLEY et al.

March 13, 1913.

[77 S. E. 458.]

Judicial Sales (§ 41*)—Resale—Advance Bid.—A judicial sale should not be set aside and a new sale ordered solely because an advance bid of 10 per cent. has been ordered.

[Ed. Note.—For other cases, see Judicial Sales, Cent. Dig. § 79; Dec. Dig. § 41.* 8 Va.-W. Va. Enc. Dig. 773; 14 Va.-W. Va. Enc. Dig. 615; 15 Va.-W. Va. Enc. Dig. 577.]

Appeal from Circuit Court, Mecklenburg County.

Judicial sale to James Hardy and another, in the suit of Isabella Coley against Luther Coley and others, was set aside, and a resale ordered, and said purchasers appeal. Reversed.

Irby Turnbull, of Boydton, and *Morton G. Goode*, of Dinwiddie, for appellants.

Reekes & Bedinger, of Boydton, for appellees.

J. B. KING & Co. v. C. W. HANCOCK & SONS.

March 13, 1913.

[77 S. E. 510.]

1. Depositions (§ 56*)—Notice—Service—Mode of Service—Mail.—Code 1904, § 3362, provides that reasonable notice shall be given to the adverse party of taking every deposition; and section 3207 declares that a notice may be served by delivering a copy to the party in person, or, if he be not found at his usual place of abode,

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.